

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:20-cr-183

v.

Hon. Robert J. Jonker  
Chief United States District Judge

ADAM DEAN FOX,  
BARRY GORDON CROFT, JR.,  
TY GERARD GARBIN,  
KALEB JAMES FRANKS,  
DANIEL JOSEPH HARRIS, and  
BRANDON MICHAEL-RAY CASERTA,

Defendants.

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**MOTION FOR DISCLOSURE OF GRAND JURY TESTIMONY**

Pursuant to Rule 6(e)(3)(E)(iv) of the Federal Rules of Criminal Procedure, the United States of America requests authorization to disclose certain grand jury testimony for the purposes of allowing the State of Michigan to enforce violations of Michigan criminal law.

1. The defendants are charged with conspiring to kidnap Governor Gretchen Whitmer, the chief executive of the State of Michigan, contrary to 18 U.S.C. § 1201(c). Over the course of their conspiracy, they worked with others who supported their kidnapping plan. Those other people included Paul Bellar, Shawn Fix, Brian Higgins, Eric Molitor, Joseph Morrison, Pete Musico, Michael Null, and William Null. All of these individuals have been charged with providing material support to terrorist acts, contrary to Michigan Compiled Laws 750.543k(1)(b), in a prosecution effort led by the Attorney General for the State of Michigan.

2. During the grand jury investigation in this case, the government has taken testimony from one or more witnesses, and expects to examine additional witnesses. These witnesses have,

and are expected to, describe their roles within militia groups and their participation in components of the plot to kidnap Governor Whitmer, including their presence at key training, planning, and reconnaissance meetings.

3. Grand jury testimony is subject to the secrecy requirements of Rule 6(e) of the Federal Rules of Criminal Procedure. However, Rule 6(e)(3)(E)(iv) provides that a federal district court may authorize disclosure of grand jury matters “at the request of the government if it shows that the matter may disclose a violation of State . . . criminal law, as long as the disclosure is to an appropriate state [or] state subdivision official for the purpose of enforcing that law[.]” Fed. R. Crim. P. 6(e)(3)(E)(iv).

WHEREFORE, the United States respectfully requests authorization to disclose grand jury testimony for the purpose of assisting the State of Michigan Attorney General’s Office in the prosecution of the above-mentioned state defendants for their alleged violations of Michigan criminal law.

Respectfully submitted,

ANDREW BYERLY BIRGE  
United States Attorney

Date: January 22, 2021

/s/ Austin J. Hakes  
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